

ORDINANCE NO. 2873

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE SAPULPA CITY CODE, PART 8, HEALTH & NUISANCES, SECTION 8-101, DEFINITIONS, BY CLARIFYING THE DUTY TO REMOVE TRASH AND WEEDS ON ADJACENT RIGHTS-OF-WAY; AND AMENDING PART 14, STREETS AND PUBLIC WORKS, CHAPTER 1, USE AND OBSTRUCTION OF STREETS, SECTION 14-101 BY REPEALING AND REPLACING SAME WITH NEW SECTION 14-101, TREES, SHRUBBERY AND VEGETATION TO BE TRIMMED; PROVIDING FOR REPEALER, SEVERABILITY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

Section 1. The Sapulpa City Code, Part 8, Health & Nuisances, Chapter 1, Weeds and Trash, Section 8-101 Definitions, is amended by repealing and replacing current Section 8-101 with new Section 8-101 to read in its entirety as follows:

"SECTION 8-101 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

Administrative Officer means the City Manager or his designee;

Cleaning means the removal of trash from property;

Duty to remove or destroy trash or weeds means any owner, tenant or other person responsible for private property shall mow and maintain the entire property including all yards, rights-of-way, easements and alleys unless the rights-of-way, easements and/or alleys are expressly designated to be maintained by a designated government authority;

Owner means the owner of record as shown by the most current tax rolls of the County Treasurer;

Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded, or abandoned; and

Weed includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any stage of maturity which:

- A. Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the

- health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
- B. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - C. Harbors rodents or vermin;
 - D. Gives off unpleasant or noxious odors;
 - E. Constitutes a fire or traffic hazard; or
 - F. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

State Law reference – Cleaning and mowing of property, procedures, and powers 11 O.S. Section 22-111."

Section 2. The Sapulpa City Code, Part 14, Streets & Public Works, Chapter 1, Use and Obstruction of Streets, Section 14-101 Trees and Shrubbery to Be Trimmed, is amended by repealing and replacing current Section 14-101 with new Section 14-101 to read in its entirety as follows:

"SECTION 14-101 TREES, SHRUBBERY AND VEGETATION TO BE TRIMMED.

- A. The owner of any premises abutting on any street of this city shall trim all trees, shrubbery and vegetation growing in the parking area, between the sidewalks and the roadway of any such street, and all trees, shrubbery and vegetation growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs, limbs or vegetative growth thereof shall not obstruct the view or free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees, shrubbery and vegetative growth in the same manner as hereinafter required of the owner. Such trees, shrubbery and vegetative growth shall be trimmed so that the lowest branches or foliage shall not be lower than fourteen (14) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk, nor exceed 12 inches in height or otherwise impede free and convenient passage and travel.
- B. Any owner or occupant who shall fail, refuse, or neglect to trim trees, shrubbery and vegetative growth as provided in this section, after receiving five (5) days' notice from the City to do so, shall be guilty of an offense punishable under Section 1-108 of the Code. Every day that the owner or occupant shall fail, refuse or

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neglect to trim the trees, shrubbery, and/or vegetative growth after expiration of such five (5) days' notice, shall be a separate offense.

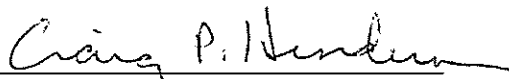
- C. In order to protect the public welfare and safety, the City Manager may effect immediate removal of any object found in violation of this section or abate any such obstruction. Any costs for such removal or abatement shall be borne by the owner or occupier of the property. [Prior Code, Sec. 24-3, in part]."

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of conflict only.

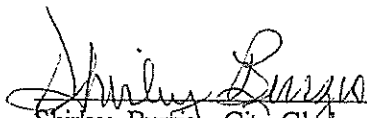
Section 4. Should any section, subsection sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence, provision, clause or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 5. This ordinance being designated to protect the public health, safety, and welfare of the inhabitants of the City of Sapulpa, Oklahoma, and its passage being immediately necessary, an emergency is hereby deemed to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

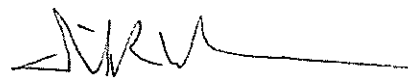
PASSED AND APPROVED in regular session this 7th day of Sept. 2021, with emergency clause separately voted on.


Craig Henderson, Mayor

ATTEST:


Shirley Burzio, City Clerk

APPROVED AS TO FORM:


David R. Widdoes, City Attorney

